



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,684	04/10/2001	Steffen Hofacker	Mo-6019/LeA33,933	9248

157 7590 08/12/2003

BAYER POLYMERS LLC
100 BAYER ROAD
PITTSBURGH, PA 15205

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 08/12/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

AS/2

Office Action Summary	Application No. 09/829,684	Applicant(s) HOFACKER ET AL.	
	Examiner Sheeba Ahmed	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2003 has been entered.

Claims 1-14 have been canceled and new claims 15-24 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 6,319,594 B1).

Suzuki et al. recite a film comprising a transparent substrate film, a transparent conductive layer containing gold, nickel, ATO, ITO and zinc oxide (***corresponding to the zinc-oxid layer of the claimed invention***) and a low refractive hardcoat layer (***corresponding to the abrasion-resistant outer layer of the claimed invention***)

Art Unit: 1773

(Column 2, lines 6-12). The transparent substrate film may be polyamide, polypropylene, polymethyl methacrylate, or polycarbonate (***corresponding to the transparent plastic layer of the claimed invention***) (Column 2, lines 56-67). The transparent conductive layer comprises conductive fine particles such as zinc oxide embedded in a curing resin such as an organosilicon compound (***hence the Examiner takes the position that the zinc oxide particles are inherently surface modified by the organosilicon compound which surrounds the zinc oxide particles***). Examples of such organosilicon compounds include glycidoxypyrpyltrimethoxysilane (Column 3, lines 4-65 and Column 4, lines 24-35). Example 1 shows that the low refractive hard coat layer may be formed by a SiO₂ sol. The fine particles may have a particle diameter of 1 to 50 nm (Column 6, lines 54-55). The film disclosed by Suzuki et al. has a hardness that is high enough to not cause deterioration caused by a scratch and can prevent reflection of outdoor light (***hence meeting the limitations of claim 23***). In addition, an adhesive or primer layer may be provided on the transparent substrate (***thus meeting the limitations of claim 24***) (Column 7-8, lines 64-67 and 1-5).

Suzuki et al. do not specifically state that zinc oxide is the preferred fine particle in the conductive layer.

However, Suzuki et al. show that gold, nickel, ATO, ITO and zinc oxide are equivalent fine particles known in the art. Therefore, because these particles were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to choose any one of them.

Art Unit: 1773

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (EP 0763 581 A2).

Abe et al. disclose a plastic lens having a primer composition and a hardcoat layer (***corresponding to the abrasion-resistant outer layer of the claimed invention***) applied thereon (Abstract). The primer composition(***corresponding to the zinc-oxide layer of the claimed invention***) comprises an organosilane compound within the binder (Page 5, lines 22-25) and minute inorganic particles of aluminum oxide, titanium oxide, zirconium oxide, zinc oxide, and tin oxide amongst other particles. The average particle diameter of the inorganic particles in the range of 1-300 nm (Page 6, lines 24-34).

Abe et al. do not specifically state that zinc oxide is the preferred fine particle in the primer layer.

However, Abe et al. show that aluminum oxide, titanium oxide, zirconium oxide, zinc oxide, and tin oxide are equivalent fine particles known in the art. Therefore, because these particles were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to choose any one of them.

Response to Arguments

4. Applicant's arguments with respect to claims 15-24 have been considered but are moot in view of the new ground(s) of rejection.

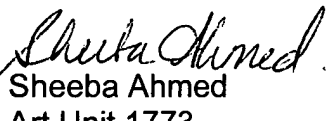
Art Unit: 1773

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (703)305-0594. The examiner can normally be reached on Mondays and Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (703)308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-5408 for regular communications and (703)305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5665.


Sheeba Ahmed
Art Unit 1773
August 7, 2003